REMARKS

Claims 1, 4-10, 20, 23-29, 39 and 50 are pending but stand rejected. Claims 2, 3, 11-19, 21, 22, 30-38, and 40-49 have been cancelled. Claims 1, 4, 6-10, 20, 23, 35-29, 39 and 50 have been amended. Paragraph [0041.1] has been added to the specification. Support for the amendment is found in Claims 2 and 40 of the application as originally filed. In view of the amendments and following remarks, the Applicant requests the Examiner's thoughtful consideration

CLAIM REJECTIONS – 35 USC § 102: Claims 1, 2, 3, 5, 6, 7, 8, 11, 12, 14, 15, 16, 17, 20, 21, 22, 24, 25, 26, 27, 30, 31, 33, 34, 35, 36, 39, 40, 41, 42, 43, 45, 47, 48, and 50 stand rejected under 35 U.S.C. 102(e) as being anticipated by US Pub 2005/0200903 to Okubo.

Claim 1 is directed to a digital image selection method and as, as amended, recites the following:

1. obtaining a first digital image of a first side of a physical object, the physical object being a first of an ordered set of physical objects;

2. examining the first digital image to determine if it is substantially blank;

3. if the first digital image is not substantially blank, obtaining a first set of digital images, each digital image of the first set being a digital image of a first side of a physical object of the ordered set of physical objects and, sending the first set of digital images for processing; and

4. if the first digital image is substantially blank, obtaining a second set of digital images, each digital image of the second set being a digital image of a second side of a physical object of the ordered set of physical objects, and sending the second set of digital images for processing.

To summarize, a digital image of e first side of an initial page of a set of pages is obtained. It is determined if that digital image is blank. If blank, digital images of the

second sides of set of pages are obtained and sent for processing. If not blank, digital images of the first sides of set of pages are obtained and sent for processing.

Okubo describes scanning a series of pages to form image data. Okubo, Fig. 3, step S11. After the image data is obtained, a determining unit 14 determines characteristics of each page image data. Okubo, paragraph [0034]. Based on this determination, an optimizing unit eliminates pages judged to be blank. Okubo, paragraph [0035]. Okubo mentions nothing of first obtaining digital images for a selected first of second sides of a set of pages where the particular side is selected based upon whether or not the first die of an initial page is substantially blank. Consequently, Okubo fails to teach the third and fourth limitations of Claim 1 listed above.

For at least this reason, Claim 1 is patentable over Okubo as are Claims 4-10 which depend from Claim 1.

Claim 20 is directed to a computer readable medium having instructions for implementing the method of Claim 1. For at least the same reasons Claim 1 is patentable, so are Claim 20 and Claims 23-29 which depend from Claim 20.

Claim 39 is directed to a system having various components configured to implement the method of Claim 1. For at least the same reasons Claim 1 is patentable, so is Claim 39.

Claim 50 is directed to a system having various means for implementing the method of Claim 1. For at least the same reasons Claim 1 is patentable, so is Claim 50.

CLAIM REJECTIONS – 35 USC § 103: Claims 4, 9, 10, 13, 18, 19, 23, 28, 29, 32, 37, 38, 44, 46, and 49 were rejected as being unpatentable over Okubo in view of various other references. Each of these claims either depends from an allowable base claim or has been cancelled.

CONCLUSION: The foregoing is believed to be a complete response to the outstanding Office Action. Claims 1, 4-10, 20, 23-29, 39 and 50 are felt to be in condition for allowance. Consequently, early and favorable action allowing these claims and passing the application to issue is earnestly solicited.

                                        Respectfully submitted,

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